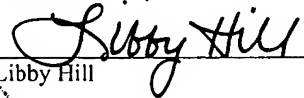


IFW

CERTIFICATE OF MAILING

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Libby Hill



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	:	10/692,174	Confirmation No. 8347
Applicant	:	Eldridge et al.	
Filed	:	October 23, 2003	
TC/A.U.	:	2839	
Examiner	:	Neil Abrams	

Docket No. : P47C2US

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ELECTION

Sir:

In response to the Restriction of August 24, 2004, the shortened statutory period for response to which ends on September 24, 2004, Applicants hereby elect the claims of Group II, namely, claims 26-65, and Applicants further elect Species 3, which corresponds to Figures 9A through 13B. Applicants state that, of elected claims 26-65, claims 26-34 and 37-65 read on elected Species 3. Applicants further state that claims 26-34 and 37-65 are generic to all three species.

Applicants election is without traverse except: (1) Applicants traverse the finding that no claim is generic, and (2) Applicants reserve the right to traverse any change to the identification of claims that read on the elected species or that are generic to two or more species. Applicants traverse the finding that no claim is generic on the following grounds. As described in the MPEP, a generic claim "comprehend[s] within its confines the organization covered in each of the species." MPEP § 806.04(d). Claims 26-34 and 37-65 cover each of the three species and are therefore generic.

Moreover, as further stated in the MPEP, "[c]laims to be restricted to different species must be mutually exclusive. The general test as to when claims are restricted, respectively, to different species is the fact that one claim recites limitations which under the disclosure are found in a first species but not in a second, while the second claim recites limitations disclosed

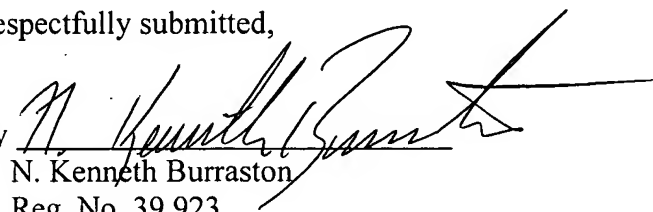
only for the second species and not the first." MPEP § 806.04(f). None of claims 26-34 and 37-65 recites limitations that are found in only one of the three species. Therefore, claims 26-34 and 37-65 cannot be restricted to one species but are generic.

If the Examiner believes that a discussion with Applicants' attorney would be helpful, the Examiner is invited to contact the undersigned at (801) 323-5934.

Respectfully submitted,

Date: September 23, 2004

By


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